

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GOOGLE INC.,

Plaintiff,

v.

ROCKSTAR CONSORTIUM U.S. LP,  
MOBILESTAR TECHNOLOGIES, LLC,

Defendants.

No. C 13-5933 CW

ORDER ON MOTIONS  
TO SEAL

(Docket Nos. 19,  
30, 39)

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Before the Court are various motions to seal filed by Plaintiff Google, Inc. and Defendants Rockstar Consortium U.S. LP and MobileStar Technologies, LLC that are related to Defendants' motion to dismiss. The Court GRANTS the motions to seal, but only in part.

Under Civil Local Rule 79-5, a document may be filed under seal only if a party establishes that the portions sought to be sealed "are privileged, protectable as a trade secret or otherwise entitled to protection under the law." Civ. L.R. 79-5(b). Any sealing request must be narrowly tailored to cover only sealable material. Id. The request must be supported by a declaration establishing that the sealing is warranted. Id. subsection (b).

There is a "strong presumption of access to judicial records," especially in the case of dispositive pleadings, including motions to dismiss. Kamakana v. City & Cnty. of Honolulu, 447 F.3d 1172, 1179 (9th Cir. 2006). This is because dispositive motions are "at the heart of the interest in ensuring

1 the public's understanding of the judicial process and of  
2 significant public events." Id. Parties seeking to seal  
3 documents attached to dispositive motions must demonstrate  
4 "compelling reasons" outweighing the strong presumption in favor  
5 of public disclosure. Id. at 1180; Foltz v. State Farm Mut. Auto.  
6 Ins. Co., 331 F.3d 1122, 1136 (9th Cir. 2003).

7 Defendants seek to redact certain portions of the Motion to  
8 Dismiss and accompanying Dean Declaration. Pursuant to Civil  
9 Local Rule 79-5(e), Google filed a motion to seal portions of its  
10 Opposition corresponding to information Defendants sought to  
11 redact. Defendants filed a supporting declaration substantially  
12 similar to the declaration filed in support of their own motion.  
13 Defendants also move to seal portions of their Reply containing  
14 the same information.

15 Some of these portions discuss the locations of Defendants'  
16 licensing meetings with Google and various other companies; broad  
17 descriptions of the substance of some of Defendants' meetings; the  
18 fact that Defendants inform parties of their infringement of  
19 Defendants' patents, negotiate patent licenses, and receive  
20 licensing revenue; and Defendants' operations and  
21 employee/contractor relations. Defendants' declaration provides  
22 two reasons that all of this information is sealable: (1) Rockstar  
23 is bound by non-disclosure agreements with various non-parties to  
24 keep this information confidential and (2) details of Rockstar's  
25 licensing negotiations, including the names of the entities  
26 negotiating with Rockstar, constitute "sensitive, confidential and  
27 proprietary business information" that will harm Rockstar and  
28 these non-party entities. In general, these are "broad

1 allegations of harm, unsubstantiated by specific examples or  
2 articulated reasoning" that are not sufficient to establish even  
3 good cause. Foltz, 331 F.3d at 1130. Defendants have failed to  
4 establish that most of this information is sealable. Some of the  
5 information, such as the fact that Rockstar is a patent licensing  
6 operation, is not secret. The descriptions of licensing  
7 negotiations that may be covered by nondisclosure agreements are  
8 so vague that they are unlikely to violate those agreements. See  
9 Afzal Decl. ¶ 21 (stating that Rockstar has met with or sent  
10 notice letters to certain "entities outside of California to  
11 discuss licensing of the patents-in-suit").

12 In an abundance of caution, the Court will permit the parties  
13 to redact (1) the disclosed identities of entities that negotiated  
14 with Defendants but are not parties to this suit and  
15 (2) statements that specifically disclose the contents of  
16 settlement discussions. See, e.g., Dean Decl. ¶¶ 13, 19-20. The  
17 rest of the parties' motions is denied.

18 The parties must file in the public docket revised redacted  
19 versions of these documents which comport with this order within  
20 seven days.

21 IT IS SO ORDERED.

22  
23 Dated: 5/23/2014

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CLAUDIA WILKEN  
United States District Judge